

### **REMARKS**

Claims 1-54 remain in connection with the present application, with claims 1, 14, 27, 40, 45 and 50 being independent.

### **Oath/Declaration**

Applicants note the Examiner's comments that the Declaration does not identify the citizenship of each inventor. Specifically, the citizenship of each inventor is identified, except for that of inventor, Paul ANDRES. Mr. ANDRES is a citizen of Germany, as indicated by his German address. If an additional Declaration is needed, Applicants request that the Examiner indicate this, and a new Declaration will be filed in the near future.

### **Discussion of Exemplary Embodiment**

The present application, in one embodiment, is directed to morphing. Fig. 11 of the present application discusses one use for various insertable morphing functions (IMF) or morphing processes. This use for the morphing processes can include a use of these processes in combination with symbol sequencing as described in U.S. Patent Nos. 5,297,041 and 5,097,425. In these patents, multi-meaning or polysemous symbols are grouped together in various ways to form various symbol sequences, wherein the symbol sequences are used to access a stored word, message or phrase.

In one exemplary embodiment of the present application, morphing functions are combined with symbol sequencing by the use of dependent symbols. A dependent symbol is one which will trigger the use of morphing macros.

One example of a dependent symbol may be the "dinosaur" symbol. The dinosaur represents past tense and thus is used, in combination with other symbols forming other dependent symbol sequences, to trigger the verb morphing macro to formulate the past tense of certain stored words.

For example, assuming that the taxi symbol is a first symbol entered by the user and the dinosaur symbol is the next symbol, the taxi symbol plus the dinosaur symbol does not complete a regular symbol sequence. Thus, there is no symbol sequence of the taxi plus the dinosaur which is stored in association with a word, message or phrase which can be accessed. Accordingly, input of another symbol is awaited wherein, when the "ich" symbol is entered, the taxi, plus the dinosaur, plus the "ich" symbol is checked to see if it creates a regular symbol sequence. In this example, it does not.

However, the "ich" symbol is a dependent symbol, and it is part of a dependent symbol sequence. This system recognizes this, in essence substitutes the target of the dependent symbol sequence for the dependent symbol sequence to produce a regular symbol sequence. It therefore in essence substitutes the "wir" symbol for the "dinosaur plus ich" dependent symbol sequence, to form the sequence that would normally access the word "fahren". However, the word "fahren" is then retrieved, along with the appropriate morphing data and the appropriate insertable morphing functions such that the word "fuhr", the past tense of fahren, is then generated.

As such, a plurality of symbols are received, it is determined whether or not the plurality of symbols include a sequence of symbols dependent upon at least one other symbol, and a stored word is then morphed in response to determining that the plurality of input symbols include a dependent sequence, to produce at least one modified form of the stored word.

### **Prior Art Rejections**

The Examiner has rejected claims 1-7, 9-13, 14-20, 22-33 and 35-39 under 35 U.S.C. §102(b) as being anticipated by Kadashevich et al. (U.S. Patent No. 5,369,577), hereinafter the Kadashevich et al. '577 patent. This rejection is respectfully traversed.

The Kadashevich et al. '577 patent

The Kadashevich et al. '577 patent is directed to a text searching system which attempts, for a particular word that is input, to search for that word. It expands the search by further searching for words which are lexically related to the input word (see column 1, lines 54-64 for example). To generate the lexically related words, suffixes are stripped from the input word, the input word is recognized to identify the stem of the word, and for each stem, additional suffixes are added to derive a list of words which are lexically related to the word. As such, a group of words can be searched for instead of a single word (see column 1, line 65 to column 2, line 24 for example).

Distinctions from the Kadashevich et al. '577 patent

With regard to claim 1 of the present application, the Kadashevich et al. '577 patent **is not even relevant to this claim.** Evening assuming that the single word input in the Kadashevich et al. '577 patent includes a plurality of characters which can correspond to a plurality of symbols as claimed in claim 1, there is still no determination made as to whether or not the plurality of characters of the word include a sequence of characters "dependent upon at least one other symbol". In one embodiment of the present application, individual symbols are input, wherein some of these symbols maybe dependent symbols which do not access a symbol sequence for example. Although an input word can arguably be parsed in the Kadashevich et al. '577 patent into a stem and a suffix (to determine additionally lexically related words), **none of these letters of the input word are dependent upon other letters and thus none are "dependent upon at least one other symbol", as claimed .**

In addition, in the Kadashevich et al. '577 patent, there is no "stored word corresponding to a symbol sequence" which even can be morphed, let alone any step of morphing is set forth in claim 1. While stems and suffixes can be parsed to create additional lexically related words, related to the

input word, these are merely manipulations of the input word to increase the number of words to be searched in the text search. To the contrary, the claim calls for a symbol sequence, a stored word corresponding to the symbol sequence, and morphing of the stored word. None of this is performed by the Kadashevich et al. '577 patent. Accordingly, the Kadashevich et al. '577 patent cannot anticipate claim 1. Thus, withdrawal of the Examiner's rejection is respectfully requested.

With regard to independent claims 14 and 27, although these claims should be interpreted solely based upon limitations presented therein, these claims are allowable over the Kadashevich et al. '577 patent for reasons somewhat similar to those previously presented with regard to claim 1. In addition, with regard to the dependent claims, these claims are allowable for the reasons set forth regarding their corresponding independent claims.

#### **Rejections Under 35 U.S.C. §103(a)**

##### The Kadashevich et al. '577 patent in view of Guinan patent

The Examiner has rejected claims 8, 21 and 34 under 35 U.S.C. §103(a) as being unpatentable over the Kadashevich et al. '577 patent in view of Guinan patent (U.S. Patent No. 6,022,222), hereinafter the Guinan '222 patent. This rejection is respectfully traversed.

Initially, Applicants respectfully submit that evening assuming *arguendo* that the Guinan '222 patent could be combined with the Kadashevich et al. '577 patent, (which Applicants do not admit for reasons which will be outlined below) **the Guinan '222 patent cannot and does not make up for the previously mentioned deficiencies of the Kadashevich et al. '577 patent.** The Guinan '222 patent is directed to a system for learning a language using symbols wherein icons are displayed with words and a user is expected to type the word to learn a particular language for example (see column 5, lines 3-47 for example). **The Guinan '222 patent has nothing to do with symbol sequences, stored words corresponding to symbol sequences, determining if a sequence includes a symbol dependent upon at least one other symbol, morphing, etc.** The symbols

each are merely single meaning symbols which correspond, one to one, with a particular word.

Accordingly, Applicants respectfully submit that even assuming *arguendo* that the Guinan '222 patent could be combined with the Kadashevich et al. '577 patent, it would still fail to make up for at least the previously mentioned deficiencies of the Kadashevich et al. '577 patent. Accordingly, withdrawal of the rejection is respectfully requested.

Lack of Motivation to Combine Reference Teachings

The Examiner merely sets forth his opinion that it would have been obvious to combine the teachings of the Guinan '222 patent with those of the Kadashevich et al. '577 patent because providing correspondence between pictorial representations and words would assist in alleviating the necessity of relying upon a first language. The alleged motivation, however, is merely "opinion" set forth by the Examiner and as such **is not proper motivation** for combining the references. Thus, the Examiner has failed to establish a proper prima facie case of obviousness under 35 U.S.C. 103(a).

To establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant. The motivation, suggestion or teaching may come explicitly from the statements in the prior art, the knowledge of one of ordinary skill art, or in some cases, the nature of the problem to be solved. In re Dembiczak, 50 USPQ2d 1614 (Fed.Cir. 1999). The statement made by the Examiner have nothing to do with why someone would be lead to combine the symbols of the Guinan '222 patent with the text retrieval system of the Kadashevich et al. '577 patent. **The systems are completely distinct and have nothing to do with one another.** The Examiner has not provided any reasons of the desirability of making the specific combination that was made by the applicant.

In order to establish a prima facie case of obviousness under 35 U.S.C. §103(a), the Examiner must provide **particular findings** as to why

the two pieces of prior art are combinable. See Dembiczak 50 USPQ2d at 1617. **Broad conclusory statements standing alone, such as those set forth by the Examiner, without evidentiary support in the references, are not "evidence"**. As such, they do not establish a prima facie case of obviousness under 35 U.S.C. §103(a).

In essence, the Examiner has used Applicants invention, in hindsight, as a blueprint. The Examiner's use of hindsight is clearly improper. The Examiner is not entitled to recognize deficiencies in prior art such as the Kadashevich et al. '577, and then search only for the missing pieces of Applicants claim (here, the pictorial illustrations). **There is no reason to use pictorial illustrations in a text searching system such as in the Kadashevich et al. '577 patent.** The Examiner must separately find evidence of reasons for making such a combination, independent of Applicants invention. The Examiner gives only "opinion", not evidence. Without this "evidence" of motivation, a prima facie case of obviousness under 35 U.S.C. §103(a) has not been established. Thus, the rejection is inapplicable and should not be maintained.

Further, relying on common knowledge or common sense of a person of ordinary skill in the art without any specific hint or suggestion of this in a particular reference is not a proper standard for reaching the conclusion of obviousness. See *In re Sang Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002). If the Examiner is relying on personal knowledge to support a finding of what is known in the art, the Examiner **must provide** an Affidavit or Declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2) and MPEP 2144.03(c). Accordingly, Applicants respectfully challenge the Examiner's use of opinion or personal knowledge, and respectfully require the Examiner to withdraw the rejection or provide an Affidavit or Declaration as set forth above if the rejection is to be maintained. Accordingly, withdrawal of the rejection is requested.

**The Kadashevich et al. '577 patent in view of the Masui patent.**

Finally, the Examiner rejects claims 40-54 under 35 U.S.C. §103(a) as being unpatentable over the Kadashevich et al. '577 patent in view of the Masui (U.S. Patent No. 5,959,629), hereinafter the Masui '629 patent. This rejection is respectfully traversed.

Lack of Motivation to Combine reference teachings

With regard to independent claim 40, this claim is directed to a word predication method. While the Masui '629 patent is directed to a general and well-known word prediction method wherein, once an initial letter is entered, a plurality of words beginning with that letter can be entered, **the Masui '629 patent is completely different from and therefore not combinable with the text search system of the Kadashevich et al. '577 patent.** The Examiner has provided no motivation as to why one of ordinary skill in the art would be led to combine the teachings of the Kadashevich et al. '577 patent with those of the Masui '629 patent. The Kadashevich et al. '577 patent is not directed to any type of word prediction system, and is instead directed to a text searching system, creating words which are lexically related to an input word so that additional words which are similar to an input word can be searched in a text searching system. As admitted by the Examiner, the Kadashevich et al. '577 patent has nothing to do with word prediction. Thus, the lack of motivation arguments and case law supplied above equally applies here.

Even if Combinable, Reference Combination still Lacks Claim Limitations

Further, even assuming *arguendo* that Kadashevich et al. '577 patent could be combined with the basic word prediction system of the Masui '629 patent (which is not admitted for the reasons expressed above), the alleged combined teachings would still fail to teach or suggest many of the various limitations set forth in independent claim 40 for example. As admitted by the Examiner, **the Kadashevich et al. '577 patent fails to even make the initial step of displaying a plurality of selectable words beginning with an input character, in response to receiving the input character.** This is

because this is a basic word prediction step wherein once a letter is inputted, then a plurality of words beginning with that input character are displayed. The **Kadashevich et al. '577 patent has NOTHING TO DO WITH WORD PREDICTION**, and thus fails to teach this basic step and is in no way combinable with the word prediction system of the Masui '629 patent. If the Kadashevich et al. '577 patent cannot teach or suggest this initial step, then it further cannot teach or suggest any of the remaining steps which are based upon the first step. This will be explained as follows.

For example, the next step is determining whether or not morphing data is stored in association with a selected word, in response to receiving selection of a displayed word. As the Kadashevich et al. '577 patent does not display any words, it clearly cannot do anything in response to receiving selection of a displayed word. Further, it cannot determine whether or not any such word is selected, let alone whether or not morphing data is stored in association with a selected word. All the Kadashevich et al. '577 patent can do is recognize an input word and try to create additional lexically related words based on parsing the word into stems and suffixes (see column 2 of the Kadashevich et al. patent for example).

Similarly, the Kadashevich et al. '577 patent cannot morph a selected word, as it does not perform any type of morphing function, as it further does not involve of any type of selection of any word. It can further not then display morphs of the selected word for further selection, as the words in the Kadashevich et al. '577 patent are not displayed for selection; they are instead used for text searching in conjunction with the input word.

Similarly, the Masui '629 patent, while it does arguably involve word prediction and the first step of displaying, it has nothing to do with morphing; has nothing to do with determining whether morphing data is stored in association with a select word; and has nothing to do with displaying morphs of the selected word for further selection. The word prediction is basic, and has nothing to do with displaying morphs of the selected word.



Thus, regarding the alleged reference combination (even assuming *arguendo* that the Kadashevich et al. '577 patent could be disassembled and somehow combined with the Masui '629 patent), while the step of displaying could be arguably be met, the alleged reference combination still does not involve any step of determining whether morphing data is stored in association with a selective word, in response to receiving selection of the displayed word (the Kadashevich et al. '577 patent does not select any words, nor does it determine whether or not morphing data is stored in association with any words; and the Masui '629 patent displays words, and if the word is selected, then no further determinations take place); the alleged reference combination does not disclose morphing the selected word (neither reference teaches selecting and morphing); nor displaying morphs of the selected word for further selection (neither reference discusses displaying morphs, let alone displaying morphs for further selection). **Thus, withdrawal of the rejection is respectfully requested.**

Somewhat similar arguments can be applied to independent claims 45 and 50, although each claim should be governed and interpreted solely based upon the limitations presented therein. In addition, with regard to the dependent claims, these claims are allowable for the reasons set forth regarding their corresponding independent claims. Accordingly, withdrawal of the rejections of each of claims 40-54 in connection with the present application is earnestly solicited.

### CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-54 in connection with the present application is earnestly solicited.

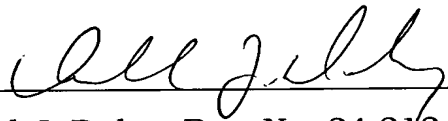
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a two (2) month extension of time for filing a reply to the outstanding non-final Office Action and submit the required \$225.00 (small entity) extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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